



ATTORNEY DOCKET NO. 49, 128 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Y. Ikeda, et al.

EXAMINER: Bello, A.

U.S.S.N.: 09/322,108

GROUP: 2633

FILED: May 28, 1999

FOR: DIGITAL OPTICAL COMMUNICATION DEVICE AND METHOD FOR
TRANSMITTING AND RECEIVING DATA WITH LIGHT EMISSION
INTENSITY CONTROLLED

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office Addressee" Mailing Label Number **EL 945989451US** addressed to the Commissioner of Patents, Washington, D.C. 20231 on March 28, 2003.

By: William J. Daley, Jr.
William J. Daley, Jr.

**CONDITIONAL PETITION FOR EXTENSION OF TIME TO MAINTAIN
CO-PENDENCY OF PARENT CASE WHEN FILING CPA; 37 C.F.R. 1.136(a)**

Sir:

Applicants are filing a further response to respond to the Final Office Action mailed August 22, 2002. The bona fide attempt by Applicants to respond and to advance this application to final action comprises a concurrently filed Continued Prosecution Application (CPA). A copy of the within petition is being filed along with the papers constituting the concurrently filed CPA application.

Applicants do not believe an extension of time is required because this document is being filed before the expiration of the two(2) month period for filing the Appeal Brief provided in 37 C.F.R. § 1.192 [USPTO mailroom date stamp of January 28, 2003 for Notice of Appeal]. Applicants, however, conditionally petition for an extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required so the document(s) concurrently filed herewith are considered by the

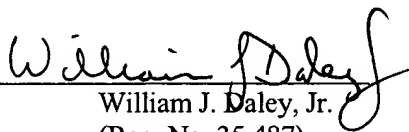
Applicant: Y. Ikeda, et al.
U.S.S.N.: 09/322,108
CONDITIONAL PETITION FOR EXTENSION OF TIME
Page 2

Examiner. If such a petition is required, then the Commissioner is hereby authorized and requested to charge
Deposit Account No. 04-1105 for any required fee.

Respectfully submitted,
EDWARDS & ANGELL, LLP
DBRC Intellectual Property Practice Group

Date: March 28, 2003

By: _____



William J. Daley, Jr.
(Reg. No. 35,487)
P.O. Box 9169
Boston, MA 02209
(617) 439- 4444

Bos2 330816.1